

Remarks

Applicants request consideration on the merits of the above-referenced patent application.

I. Amendments to the Claims

This amendment A cancels claims 1-14, 18-24, and 26-31, and adds new claims 32-34. Thus, claims 15-17, 25, and 32-34 are pending. All pending claims, including the amendments, are shown in the previous section. Applicants submit that those amendments do not introduce any new matter. Specifically:

All claims have been amended to include salts of the compounds. This amendment is supported by Applicants' specification at, for example, page 47, line 23 to page 48, line 25.

Claim 17 has been amended to be an independent claim. It also has been amended to incorporate Formula IV and the R² definition from claim 15.

Other amendments correct grammatical and/or obvious errors, or simply rephrase the claims. Thus, these amendments are permissible under MPEP §2163.07.

New claims 32-34 are directed to methods of treatment using the compounds and salts of claims 15, 17, and 25. Claims 32-34 are supported by Applicants' specification at, for example, page 10, lines 14-21; page 11, lines 4-28; and page 47, line 2 to page 52, line 17.

II. Restriction Requirement

Applicants elect without traverse the subject matter of claims 15-17 and 25 (*i.e.*, Group II from the June 22, 2004 Office action).

Although examination is currently restricted to claims 15-17 and 25, Applicants have added new claims 32-34, which are directed to methods of using the compounds and salts of claims 15, 17 and 25. Because method claims 32-34 include all the limitations of claims 15, 17 and 25, Applicants request that claims 32-34 be rejoined into the application to the extent that such claims have the same limitations as any allowed compound claims. Under such a circumstance, this rejoinder is required:

Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance.

September 22, 2004

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Applicants have enclosed a check for \$420.00 for the two-month extension fee, and believe that they do not owe any other fee(s) in connection with this submission. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge those fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. § 1.16 or § 1.17 for this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

Applicants submit that the application is in condition for allowance, and request that it be allowed. Applicants also request that the Examiner call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **September 22, 2004** with sufficient postage as first class mail (including Express Mail per MPEP § 512), and addressed to **Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.



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